

# **Schedule 81**

## **SUPREME COURT/APPEALS COURT**

**OCTOBER 11, 2000**

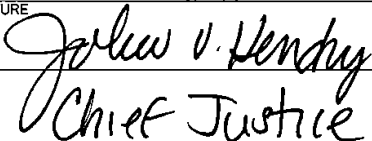
Nebraska Records Management Division  
440 South 8<sup>th</sup> Street, Suite 210  
Lincoln, NE 68508  
(402) 471-2559

**REQUEST FOR APPROVAL OF RECORDS  
RETENTION AND DISPOSITION SCHEDULE**

<b>TO: STATE RECORDS ADMINISTRATOR STATE OF NEBRASKA</b>	SCHEDULE NUMBER <b>81</b>
	AGENCY, BOARD OR COMMISSION <b>Supreme Court and Court of Appeals</b>
	DIVISION, BUREAU OR OTHER UNIT <b>Supersedes Edition of June 30, 1992</b>

**PART I - AGENCY STATEMENT**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE * 	
TITLE Chief Justice	DATE Sept. 25, 2000


**PART II - ARCHIVAL APPROVAL**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE * 	
STATE ARCHIVIST	DATE Oct. 4, 2000

**PART III - APPROVAL BY STATE RECORDS ADMINISTRATOR**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE * 	
ADMINISTRATOR	DATE 10-11-00

## **INSTRUCTIONS FOR USING THIS SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guidelines for storing and disposing of agency records, ***regardless of the media on which they reside***, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

**Please remember to retain the blank form for future use.**

### **NON-SCHEDULED RECORDS**

Contact a Records Management Consultant in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Consultant in Records Management can assist you with the schedule update, which involves adding new records and making revisions to existing items. Keeping your schedule current will ensure that you have the ongoing authority to discard records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Consultant in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or State Archives, microfilming records, scanning records, etc.

**Records Management Division  
440 South 8th Street, Suite 210  
Lincoln, NE 68508-2294  
402-471-2559**

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## **SCHEDULE 81 – SUPREME COURT/APPEALS COURT**

### **81-1      CLERK OF THE COURT**

#### **81-1-1      APPEARANCE DOCKET**

Chronological record of all court actions. Logbooks are arranged in case number order. Information includes: case number, dates of filing for motions, stipulation, fees, and court orders. Also included are the names of appellant, appellee and their attorneys.

**ORIGINAL RECORD: Microfilm and destroy 10 years after last entry.**

**SECURITY MICROFILM: Transfer to the State Archives; retain permanently.**

**MICROFILM WORK COPY: Retain permanently.**

#### **81-1-2      ATTORNEY DISCIPLINE BY CONSENT**

Documents which are filed by an attorney accused of unethical conduct to consent to disciplinary action by the court. These are docketed as a regular case.

**ORIGINAL RECORD: Microfilm and destroy 10 years after discipline is imposed by the Supreme Court.**

**SECURITY MICROFILM: Transfer to the State Archives; retain permanently.**

**MICROFILM WORK COPY: Retain permanently.**

#### **81-1-3      BILL OF EXCEPTIONS**

The proceedings, exhibits, and arguments from the district court, as prepared by the district court reporter. This information is a temporary record of the Supreme Court while the judges are reviewing the actions of the lower court.

**DEATH PENALTY CASE BILLS OF EXCEPTIONS: See DEATH PENALTY CASES, 81-1-11.**

**OTHER BILLS OF EXCEPTION: Transfer to the Clerk of the District Court after final disposition by the Supreme Court.**

#### **81-1-4      BRIEFS**

Concise statement of the case as submitted by parties involved. Briefs include index, statement of the case, statement of the facts, proposition of law and the argument. Seventeen copies of each Supreme Court brief and eleven copies of each Court of Appeals brief are filed with the Clerk of the Supreme Court. After final disposition of an appeal, briefs shall be retained and distributed as follows:

**DEATH PENALTY CASE BRIEFS: See DEATH PENALTY CASE FILES, 81-1-11.**

**ALL BRIEFS: One copy filed in Supreme Court/Court of Appeals TRANSCRIPTS, Retention Schedule Item # 81-1-21.**

**BRIEFS FROM APPEALS RESULTING IN PUBLISHED OPINIONS: One copy to State Library (bound copies are kept in the State Library permanently) and one copy each to UNL and Creighton law schools for binding.**

**OTHER COPIES: Dispose of when no longer of reference value.**

#### **81-1-5      CALL**

Printed schedule of cases to be heard by the court and the proposed assignment of cases tentatively scheduled (Proposed Call). Information includes: general number, parties to the case, county or jurisdiction and hearing date.

**Dispose of when no longer of reference value.**

#### **81-1-6 CASH BOOK**

General ledger of daily cash transactions includes case number, order number, date and amount. Receipts are generated by office fees, court costs and postage. A corresponding receipt is written for each amount received. The receipt number is noted in Cash Book.

**Dispose of after 3 years, provided audit has been completed.<sup>1</sup>**

#### **81-1-7 COMPLETE RECORD**

Compiled record of Supreme Court opinions.

**Dispose of when published information is saleable.**

#### **81-1-8 CONSULTATION DOCKET**

Day to day account of cases and the resulting actions adopted, date opinion was adopted, judge who wrote opinions, judges who sat on the case and any remarks. These records maintained by the Chief Justice's Office.

**Dispose of after 5 years.**

#### **81-1-9 COURT JOURNAL**

Official record of Supreme Court Actions not involving cases assigned court numbers. Detailed information includes: court orders and appointments of the court.

**ORIGINAL RECORD: Microfilm annually and destroy originals after 15 years.**

**SECURITY MICROFILM: Transfer to the State Archives; retain permanently.**

**MICROFILM WORK COPY: Retain permanently.**

#### **81-1-10 CROSS REFERENCE INDEX CARDS**

Cross-reference cards filed alphabetically by appellee and appellant used to find case number.

**ORIGINAL RECORD: Microfilm annually for security.**

**SECURITY MICROFILM: Transfer to the State Archives; retain permanently.**

**MICROFILM WORK COPY: Retain permanently.**

#### **81-1-11 DEATH PENALTY CASES**

Pursuant to State Statute 29-2521.01(5), Death Penalty cases are required to be reviewed by the court to insure similar results in cases that have similar circumstances. To provide for this: Transcripts, Briefs, Bills of Exceptions, and Reports of Pre-Sentence investigations are microfilmed in Death Penalty Cases.

**ORIGINAL TRANSCRIPTS: Microfilm and destroy after 10 years.**

**ORIGINAL BRIEFS: Microfilm and destroy after 10 years.**

**ORIGINAL BILLS OF EXCEPTIONS: Microfilm and transfer to the clerk of the district court after final disposition by the Supreme Court.**

**ORIGINAL REPORTS OF PRE-SENTENCE INVESTIGATIONS: Microfilm and transfer to the clerk of the district court after final disposition by the Supreme Court.**

**SECURITY MICROFILM: Transfer to the State Archives; retain permanently.**

**MICROFILM WORK COPY: Retain permanently.**

### **81-1-12 EXHIBITS**

Case exhibits offered or received as evidence in the trial of any action, or material which has been substituted for such exhibits and still remains in the custody of the Supreme Court after the review of such action, and final opinion.

**APPELLATE AND FINAL JURISDICTION CASES:** Transfer to the district court all EXHIBITS after final disposition of case.

**ORIGINAL JURISDICTION CASES: CIVIL ACTIONS:** Dispose of all EXHIBITS 1 year after the court records show no unfinished matter pending in the action, providing the introducing attorney or owner has been given 30 days notification to remove the EXHIBITS, subject to review by the State Archivist before disposal.

**DISCIPLINARY ACTIONS:** Dispose of EXHIBITS after 50 years, subject to review by the State Archivist before disposal.

### **81-1-13 GENERAL INDEX**

Cross-index to all cases heard by the Supreme Court by case number and year of decision. The Index includes a key page with an alphabetical and numerical cross-reference. Each page includes the case number, parties to the case, and county. The bound volumes were used until 1979. These were replaced by a Card Index. An Electronic Database currently contains the Index. All current and past forms of the Index are permanent records in the Court.

**BOUND VOLUMES:** Retain permanently.

**CARD INDEX:** Retain permanently.

**ELECTRONIC DATABASE:** Retain data permanently.

**SECURITY COPY:** Backup as required; retain permanently.

### **81-1-14 OPINIONS**

Draft copies of opinions by judges. Opinion outlines and discusses the facts of a case and the applicable law and states the decision of the court. Supreme Court opinions are edited by the Supreme Court Reporter prior to publication of NEBRASKA REPORTS. All decisions of the Court of Appeals are filed with the clerk, but not all are published in bound volumes.

**SUPREME COURT OPINIONS:** Dispose of when information is available for sale in NEBRASKA REPORTS.

**COURT OF APPEALS DECISIONS:** Dispose of when no longer of reference value.

### **81-1-16 ORDER BOOK**

Ledger book includes orders for copies of court opinions, orders and certificates of good standing which are sold to the public. Information includes order number, name and address of party placing order, amount charged, date of order and date paid. Contains receivables only.

**Dispose of after 3 years, provided audit has been completed.<sup>1</sup>**

### **81-1-15 ORIGINAL ACTION CASE FILES**

Records of cases originated in the Nebraska Supreme Court. Files include transcripts of testimony, pleadings, referee's reports and exhibits.

**ORIGINAL RECORD:** Microfilm and destroy after 5 years.

**SECURITY MICROFILM:** Transfer to the State Archives; retain permanently.

**MICROFILM WORK COPY:** Retain permanently.



### **81-1-22 PARENTAL NOTIFICATION WAIVER APPEALS**

Appeal received by the court for order to waive the abortion parental notification legal requirement. Includes petition, testimony, evidence presented to the court, any order entered, and all other records of any nature relating to the case.

**NOTE: THESE RECORDS ARE REQUIRED TO BE SEALED AND NOT OPEN TO ANY PERSON EXCEPT UPON COURT ORDER.**

**Dispose of 1 year after final disposition of the case. Under no circumstances are these to be made available to the public or any historical society. These records shall be securely destroyed.**

### **81-1-23 PARENTAL NOTIFICATION WAIVER DOCKET**

Separate docket kept only for abortion parental notification waiver cases.

**NOTE: THESE RECORDS ARE REQUIRED TO BE SEALED AND NOT OPEN TO ANY PERSON EXCEPT UPON COURT ORDER.**

**Dispose of 1 year after final disposition of the case. Under no circumstances are these to be made available to the public or any historical society. These records shall be securely destroyed.**

### **81-1-17 PUBLICATION PROOFS FOR NEBRASKA REPORTS**

Photocopies of artwork and galley proofs.

**Dispose of when NEBRASKA REPORTS become available for sale.**

### **81-1-18 RECEIPTS FOR RECORDS**

Form used to show which records have been checked out by attorneys. Information includes case number and caption, description of records taken, signature of borrower and date borrowed. Efforts to retrieve the record are noted on the form.

**RETURNED RECORDS: Dispose of when records are returned.**

**UNRETURNED RECORDS: Microfilm as part of the TRANSCRIPTS to indicate which files are missing.**

### **81-1-20 REPORTS OF PRESENTENCE INVESTIGATION**

Report prepared by probation office for use by the district court in determining appropriate sentence in criminal cases. Temporary record of the Supreme Court used in reviewing the decision of the district court.

**DEATH PENALTY CASE REPORTS OF PRESENTENCE INVESTIGATION: See DEATH PENALTY CASES, 81-1-11.**

**OTHER REPORTS OF PRESENTENCE INVESTIGATION: Transfer to the clerk of the district court after final disposition by the Supreme Court.**

### **81-1-21 TRANSCRIPTS**

Record of case pleadings from the district court upon which a case was tried. Included are the judgment, decree or final orders, jury instructions, and any other records appellant may wish to include.

**DEATH PENALTY CASE TRANSCRIPTS: See DEATH PENALTY CASES, 81-1-11.**

**OTHER TRANSCRIPTS: Microfilm and destroy originals 1 year after final disposition of the case.**

**SECURITY MICROFILM: Transfer to the State Archives; retain permanently.**

**MICROFILM WORK COPY: Retain permanently.**

## **81-2      STATE LIBRARY RECORDS**

### **81-2-1      CARD CATALOG**

Complete card index of titles of books and periodicals which the State Library has. Arranged in conventional card catalog order, cards are changed and weeded from time to time in accordance with currently acceptable bibliographic control practices.

**ORIGINAL RECORD: Microfilm for security; dispose of originals after book is withdrawn from the library.**

**SECURITY MICROFILM: Transfer to the State Archives; retain permanently.**

### **81-2-2      CARD CATALOG UPDATE LIST**

List of new books acquired by the library. Microfilmed to provide complete record of books held by the library.

**ORIGINAL RECORD: Microfilm for security; dispose of originals when obsolete.**

**SECURITY MICROFILM: Transfer to the State Archives; retain permanently.**

### **81-2-3      SHELF LIST**

An inventory record of the holdings of the State Library on cards, which are arranged according to the order in which books appear on the shelves, divided into categories as reports, statutes, classified treatises, and unclassified treatises.

**ORIGINAL RECORD: Microfilm for security; dispose of card when item is removed from library.**

**SECURITY MICROFILM: Transfer to State Archives; retain permanently.**

### **81-2-4      WITHDRAWAL BOOK**

Volume lists books and periodicals which are withdrawn and/or destroyed from the State Library from 1947 to date.

**Dispose of after last entry is audited.<sup>1</sup>**

## **81-3      COURT ADMINISTRATOR RECORDS**

### **81-3-1      ACCOUNTS RECEIVABLE STATEMENT**

Individual record of books purchased by customers on billing statements showing date of purchase, type of book, amount due and date paid.

**Dispose of after audit has been completed.<sup>1</sup>**

**81-3-18 APPLICATION FOR JUDICIAL VACANCY, PERSONAL DATA SHEET, CONFIDENTIAL INVESTIGATION, AND JUDICIAL NOMINATING COMMISSION REPORT**

Record consists of Application for Judicial Vacancy and Personal Data Sheet filed by the applicant with the chairperson of the Judicial Nominating Commission. The State Court Administrator prepares a Confidential Investigation of the judicial candidates which includes reference reports, medical report, bar association report, judicial qualification report, criminal history check, and credit history check for use by the Judicial Nominating Commission. The chairperson of the nominating commission prepares and files with the State Court Administrator a Judicial Nominating Commission Report consisting of the names of all candidates, their applications (not the Personal Data Sheets), and the names of the candidates nominated.

For successful candidates, the chairperson of the commission shall deliver one copy of their application, personal data sheet, and the confidential investigation to the Governor.

**JUDICIAL NOMINATING COMMISSION REPORT: Dispose of after 10 years, subject to review by the State Archivist before disposal for possible accession.**

**APPLICATION FOR JUDICIAL VACANCY, PERSONAL DATA SHEET, AND CONFIDENTIAL INVESTIGATION:**

**CHAIRPERSON AND COMMISSION MEMBERS COPIES: Dispose of after candidates are nominated.**

**COURT ADMINISTRATOR'S COPIES: Dispose of after judge is appointed.**

**81-3-3 CASES UNDER ADVISEMENT FORM**

Form submitted monthly by every judge in Nebraska as mandated by the Supreme Court showing the number of cases under advisement that are over 90 days old.

**Dispose of after 3 years.**

**81-3-4 CHILD SUPPORT 4-D CASE FORMS**

Forms submitted to the Court Administrator's Office reporting child support filing information by case.

**Dispose of after 2 years.**

**81-3-5 CORRESPONDENCE, DISTRIBUTION**

Correspondence dealing with claims for free distribution of books.

**Dispose of after audit has been completed.<sup>1</sup>**

**81-3-6 CORRESPONDENCE, GENERAL BOOK**

General correspondence relating to the sale or free distribution of books by the State Library.

**Dispose of after audit has been completed.<sup>1</sup>**

**81-3-7 COUNTY AND DISTRICT COURT STATISTICAL FORMS**

Forms sent to the Court Administrator's Office by courts identifying cases pending, added, and disposed of during the previous month. Also includes fiscal information on fees collected.

**Dispose of after Annual Report is completed.**

### **81-3-8 COUNTY LAW LIBRARY DISTRIBUTION DOCUMENTATION**

Correspondence and documents indicating what books were distributed free to counties for the purpose of establishing a county law library.

**ORIGINAL RECORDS:** Microfilm and destroy records annually or as volume of records requires.

**SECURITY MICROFILM:** Transfer to the State Archives; retain permanently.

**MICROFILM WORK COPY:** Retain permanently.

### **81-3-9 COUNTY STATISTICAL REPORTS**

Report generated by computer on a monthly basis from statistical forms. Provides information by county of cases pending, added, disposed of and fees collected.

**COMPUTER PRINTOUT:** Dispose of after 5 years.

**COMPUTER TAPE:** Dispose of after 3 years.

**COMPUTER HISTORY TAPE:** Dispose of after 3 years.

### **81-3-10 COURT STENOGRAPHERS' MONTHLY TRANSCRIPTION REPORTS**

Reports from each county stenographer showing dates received, type, county, date completed and number of pages of each transcript completed during the month.

**Dispose of after 2 years.**

### **81-3-11 CRIMINAL HOMICIDE CASE REPORTS**

Reports filed by county attorneys after the ultimate disposition by each trial court of each criminal homicide case.

**ORIGINAL RECORD:** Retain permanently or microfilm and destroy originals.

**SECURITY MICROFILM:** Transfer to the State Archives; retain permanently.

**MICROFILM WORK COPY:** Retain permanently.

### **81-3-12 FREE DISTRIBUTION LISTS**

Lists showing those who have received books on free distribution by the Court Administrator, arranged by category of book, and then by particular volume and then by name or title of recipient. Where books have serial numbers, lists show which recipients received particular numbered volumes.

**Dispose of after audit has been completed.<sup>1</sup>**

### **81-3-13 JUDICIAL QUALIFICATIONS ANNUAL REPORT**

Report of the activities of the Nebraska Judicial Qualifications Commission during a court year.

**AGENCY COPY:** Dispose of after 10 years.

**OTHER COPIES:** Dispose of after 2 years.

### **81-3-14 NEBRASKA ADVANCE SHEETS**

Opinions of the Supreme Court printed on a weekly basis.

**Dispose of after the issue has been printed in a Nebraska Report.**

### **81-3-15 NEBRASKA ADVANCE SHEETS LEDGER**

Ledger maintained on subscription payments.

**Dispose of after 2 years, provided audit has been completed.<sup>1</sup>**

**81-3-16 NEBRASKA ADVANCE SHEETS SUBSCRIPTION FORMS**

Forms sent to the Court Administrator's Office for subscriptions to the Nebraska Advance Sheets.

**Dispose of after 2 years, provided audit has been completed.<sup>1</sup>**

**81-3-17 ORDERS FOR SALE OF BOOKS**

Orders for books sold by the Court Administrator. Arranged by date. Current files contain orders for statutory volumes which have not yet been superseded, as well as orders received from several years past to present of superseded statutory volumes and for reports, session laws, and legislative journals, which volumes are never superseded.

**Dispose of after audit has been completed.<sup>1</sup>**

**81-3-19 SALES JOURNAL**

Record of receipts in cash or by check for books sold by the Court Administrator, and of check disbursements by the library in connection with such sales. Journal entries disclose all conventional bookkeeping information, including itemization of books purchased and the serial numbers of statutory books.

**Dispose of after audit has been completed.<sup>1</sup>**

**81-3-20 STOCK RECORDS**

Inventory records of books sold or distributed on free distribution by the Court Administrator. Arranged by category of book (statutes, reports, session laws, and legislative journals) and then by particular volume, showing stock on hand and other pertinent information as to sale and distribution of prior volumes.

**REPORTS: Dispose of inventory records after last volume of a particular report is sold, provided audit has been completed.<sup>1</sup>**

**OTHER RECORDS: Dispose of after audit has been completed.<sup>1</sup>**

## RECORDS DISPOSITION REPORT

<b>TO: SECRETARY OF STATE</b> <b>RECORDS MANAGEMENT DIVISION</b> <b>440 S. 8<sup>TH</sup> STREET SUITE 210</b> <b>LINCOLN, NE 68508-2294</b>	AGENCY
	DIVISION
	SUB-DIVISION

### REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

### OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
------	-----------

**SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.**

RMA 03006D

## **VOLUME ESTIMATING GUIDE**

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK  
ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS  
ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size .....	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size.....	8 cubic feet
Lateral File, 4 drawer/shelf letter-size .....	9 cubic feet
Lateral File, 4 drawer/shelf legal-size.....	12 cubic feet
Records center carton.....	1 cubic foot
About a pickup load.....	50 cubic feet